

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN OVERSIGHT,

*Plaintiff,*

V.

U.S. DEPARTMENT OF JUSTICE,

*Defendant.*

Case No. 19-cv-265 (CRC)

## **DEFENDANT’S UNOPPOSED MOTION TO VACATE BRIEFING SCHEDULE**

In this Freedom of Information Act (“FOIA”) case, there is only one issue remaining in dispute between the parties. That issue concerns plaintiff’s request that John Gore, former Principal Deputy Assistant Attorney General for the Civil Rights Division, search his personal email system for records responsive to plaintiff’s FOIA request. Defendant’s position has been that a search was not warranted.

By Order dated October 11, 2019, this Court granted defendant's motion for extension of time in which to file defendant's motion for summary judgment. That motion is due today. In the course of working on the motion and declarations on October 11<sup>th</sup>, and out of an abundance of caution, defendant reevaluated its position and has consented to conducting a search of Mr. Gore's personal email system given the specific facts of this case.

Lead defense counsel notified plaintiff's counsel in the late afternoon of October 11<sup>th</sup> of this change in position. The parties have agreed that they will confer about the contours of the search to be performed. Time will be needed to arrive at the search terms to be used and for the

search to be conducted. This search will serve to narrow the issues that may remain for this Court to resolve.

Accordingly, with plaintiff's consent, defendant requests that the current briefing schedule in this case be vacated, and that the parties be ordered to file a joint status report on or before November 22, 2019, updating the Court on the results of their discussions and any search performed by that date.

For the foregoing reasons, defendant requests that this unopposed motion be granted.

Respectfully submitted,

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## ORDER

Upon consideration of Defendant's Unopposed Motion to Vacate Briefing Schedule, and for good cause shown, it is hereby

ORDERED that the motion is GRANTED, and it is further

ORDERED that the briefing schedule in this case is hereby vacated; and it is further

ORDERED that the parties shall file a joint status report on or before November 22, 2019.

UNITED STATES DISTRICT JUDGE